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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,653	07/31/2001	Franz Bauer	A34411	2669

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EXAMINER

KWOK, HELEN C

ART UNIT PAPER NUMBER

2856

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,653

Applicant(s)

Bauer et al.

Examiner

H. Kwok

Art Unit

2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 18, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

Art Unit: 2856

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 18-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, as originally filed, does not suggest or teach a “triggering means”, “an acceleration-dependent quantity”, “an excitation coil”, and “a sensor outputting a signal for regulating the current through the excitation coil” as presently claimed in claim 18. Also, “a vortex is regulable to a preassigned value, including zero” as presently claimed in claim 20. Furthermore, as presently claimed in claims 20-24, the magnetic field in a “vortex”.

Art Unit: 2856

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 18-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 4, the phrase “an additional direct-current magnetic field excitation circuit” is indefinite. There is no mention of another direct-current magnetic field excitation circuit; hence, how can there be an “additional” one when there was never claimed one before. In line 5, the phrase “the additional direct-current magnetic field” is indefinite. There is no mention of another direct-current magnetic field excitation; hence, how can there be an “additional” one when there was never claimed one before. Please clarify. In line 8, the phrase “the direct-current magnetic field excitation circuit” is vague. Is this referring to the “additional direct-current magnetic field excitation circuit” or the other direct-current magnetic field excitation circuit in question as mentioned above? Please clarify. .

6. Claim 23 is objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim should refer to other claims in the alternative only . See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Art Unit: 2856

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 10032143 (Schwabe) in view of U.S. Patent 5,363,706 (Lew).

Schwabe discloses a Ferraris sensor operating method comprising, as illustrated in Figures 1-2, a measuring head 1 having a moving Ferraris disk 4, magnetic field 5, rotational field 6 detected by detector coil 3, excitation coil 1. (See, Abstract). The only difference between the prior art and the claimed invention is the magnetic field in a vortex. Lew discloses an acceleration flowmeter comprising, as illustrated in Figure 6-8, magnetic field in a vortex and using the apparatus in a digitally controlled machine tool. (See, column 7, line 64 to column 8, line 4). It would have been obvious to a person of ordinary skill in the art at the time of invention to measure magnetic field in a vortex as suggested by Lew to the apparatus of Schwabe since it is a mere design choice to particularly adapt to a specific working environments and operating conditions in practice of the invention without departing from the scope of the invention. (See, column 10, lines 8-20 of Lew).

Art Unit: 2856

9. Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/23897 (Schwabe) in view of U.S. Patent 5,363,706 (Lew).

Schwabe discloses an electrically conductive measuring structure of an acceleration sensor which functions according to the Ferraris principle comprising, as illustrated in Figures 1-3, a measuring head having a moving Ferraris disk 1, magnetic field, rotational field 6 detected by detector coil 4. (See, Abstract). The only difference between the prior art and the claimed invention is the magnetic field in a vortex. Lew discloses an acceleration flowmeter comprising, as illustrated in Figure 6-8, magnetic field in a vortex and using the apparatus in a digitally controlled machine tool. (See, column 7, line 64 to column 8, line 4). It would have been obvious to a person of ordinary skill in the art at the time of invention to measure magnetic field in a vortex as suggested by Lew to the apparatus of Schwabe since it is a mere design choice to particularly adapt to a specific working environments and operating conditions in practice of the invention without departing from the scope of the invention. (See, column 10, lines 8-20 of Lew).

10. Claims 18-22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0661543 (Boehringer et al.) in view of U.S. Patent 5,363,706 (Lew)..

Boehringer et al. discloses a sensor system for an accelerometer comprising, as illustrated in Figures 1-6, an inductive measuring head having a Ferraris disk 18, magnetic field, rotational field detected by detector coil 20, excitation coil (stationary magnet system not depicted).

Art Unit: 2856

Furthermore, a control loop is formed to produce a control signal which is generated by an integrator. (As observed in the figures and Abstract). The only difference between the prior art and the claimed invention is the magnetic field in a vortex. Lew discloses an acceleration flowmeter comprising, as illustrated in Figure 6-8, magnetic field in a vortex and using the apparatus in a digitally controlled machine tool. (See, column 7, line 64 to column 8, line 4). It would have been obvious to a person of ordinary skill in the art at the time of invention to measure magnetic field in a vortex as suggested by Lew to the apparatus of Boehringer et al. since it is a mere design choice to particularly adapt to a specific working environments and operating conditions in practice of the invention without departing from the scope of the invention. (See, column 10, lines 8-20 of Lew).

Response to Amendment

11. Applicant's arguments with respect to claims 18-25 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2856

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Kwok whose telephone number is (703) 308-8149.


Helen C. Kwok
Art Unit 2856

hck
March 9, 2003